

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MAKEDA ALLEN-FRANCIS,

Plaintiff,

-against-

THE CITY OF NEW YORK, RIVERBAY
CORPORATION, and CO-OP CITY
DEPARTMENT OF PUBLIC SAFETY

Defendants.
----- X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/8/14

SCHEDULING ORDER

14-CV-1738 (SAS)

WHEREAS, the Court issued an order for a Conference in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

Initial Conference: April 7, 2014 at 4:30 p.m.

Appearances: William J. Sanyer for plaintiff Makeda Allen-Francis;
Michael V. Kuntz for defendants Riverbay Corporation ("Riverbay") and
Co-op City Department of Public Safety ("Co-op City");
Gary Moy for defendant City of New York ("City").

(2) the date by which automatic disclosures will be exchanged;

Initial disclosures will be completed on April 21, 2014.

(3) a concise statement of the issues as they then appear;

Plaintiff: Plaintiff Makeda Allen-Francis alleges that on July 6, 2013, she was subject to an unlawful arrest, assault and battery, and violation of constitutional rights. Plaintiff alleges bodily and mental injuries.

Defendant Riverbay Corporation and Co-op City Department of Public Safety: Defendants Riverbay and Co-op City allege that plaintiff interfered with a lawful arrest, and, therefore, there was probable cause to arrest plaintiff for disorderly conduct. Defendants deny plaintiff's claims of unlawful arrest, assault and battery, and violation of her constitutional rights.

Defendant City of New York: Defendant asserts that plaintiff fails to state a claim against the City of New York. At this time, defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in plaintiff's complaint. Counsel for defendant City has submitted a \$160.50 release for plaintiff's execution to obtain documents, if any, relating to plaintiff's allegations.

(4) a schedule including:

July - October

(a) the names of persons to be deposed and a schedule of planned depositions;

Plaintiff: Plaintiff intends to depose at least 3 of 11 Co-op City officers involved in the alleged incident, as well as any other individuals who may subsequently be disclosed.

Defendants Riverbay and Co-op City: Defendants intend to depose plaintiff, Makeda Allen-Francis. Defendants may also depose plaintiff's treating physicians and any other individuals who may subsequently be disclosed.

Defendant City: Defendant intends to depose plaintiff, Makeda Allen-Francis; 11 Co-op City officers or employees who were involved in or witnessed the alleged incident; witness Keishaun Harris; and any other witnesses to the incident. Defendant may also depose plaintiff's treating physicians and any other individuals who may subsequently be disclosed.

(b) a schedule for the production of documents;

The parties will each serve demands for production of documents by May 7, 2014. The parties will respond by July 7, 2014.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

Plaintiff to submit any expert reports by October 1, 2014.

IME

Defendants to submit expert reports by November 3, 2014.

Expert depositions to be completed by December 1, 2014.

(d) time when discovery is to be completed:

December ~~31~~¹, 2014

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

JAN 5
February 7, 2015

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed

findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial:

Feb. 2
March 15, 2015

- (g) a space for a date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Nov 18 at 4:30 (leave blank)

- (5) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders:

The City of New York will seek a protective order similar to the one in place in the Southern District of New York's Plan for Certain § 1983 Cases Against the City of New York.

- (6) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement:

At this point in the litigation, the parties do not have any discovery issues. Defendant City has submitted a § 160.50 release for plaintiff's execution.

- (7) anticipated fields of expert testimony, if any:

Security and medical experts.

- (8) anticipated length of trial and whether to Court or jury;

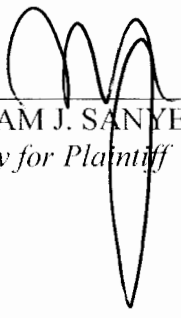
The parties anticipate that the trial would last 2 weeks. The parties request a trial by jury.

- (9) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

(10) names, addresses, phone number and signatures of counsel;

DAVID HOROWITZ, P.C.
276 Fifth Avenue
New York, New York 10001
(212) 686-3779

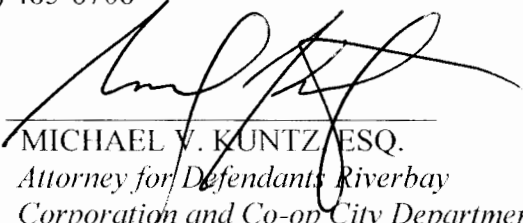
By:



WILLIAM J. SANYER, ESQ.
Attorney for Plaintiff

SMITH, MAZURE, DIRECTOR, WILKINS,
YOUNG & YAGERMAN, P.C.
111 John Street
New York, New York 10038
(212) 485-8708

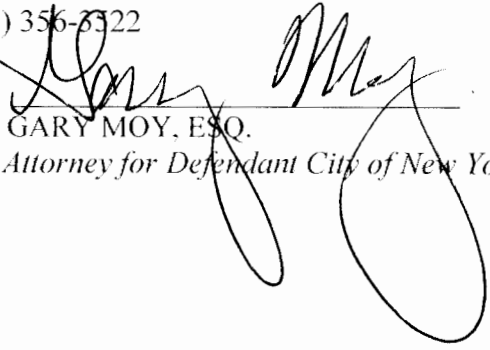
By:



MICHAEL V. KUNTZ, ESQ.
*Attorney for Defendants Riverbay
Corporation and Co-op City Department of
Public Safety*

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
100 Church Street
New York, New York 10007
(212) 356-3322

By:



GARY MOY, ESQ.
Attorney for Defendant City of New York

SO ORDERED:



SNIRA A. SCHEINDLIN, U.S.D.J.

4/7/14